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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/663,378
Issued Date	September 17, 2003
First Named Inventor	Steven A. Rogers
Group Art Unit	2151
Examiner Name	TBD

Total Number of Pages in This Submission	15	Attorney Docket Number	006389.00002
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## ENCLOSURES (check all that apply)

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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bradley C. Wright, Reg. No. 38,061
Signature	
Date	7/14/05

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:	Atty. Docket No.:	006389.00002
Steven A. Rogers	Confirmation No.	2690
Serial No.: 10/663,378	Group Art Unit:	2151
Filed: September 17, 2003	Examiner:	TBA
For:	EMPIRICAL SCHEDULING OF NETWORK PACKETS	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §1.97 and §1.98, enclosed is a PTO Form-1449 listing art for consideration by the Examiner. We hereby certify under 37 CFR §1.97(e)(1) the items of information contained in the Information Disclosure Statement filed concurrently herewith were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

We further certify under 37 C.F.R. § 1.704 (d) that each item of information contained in the information disclosure statement were cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Information Disclosure Statement  
Serial No. 10/663,378



These documents were cited by the European Patent Office Searching Authority for corresponding PCT Application No.: PCT/US04/29693, which was received on September 13, 2003. A copy of the search report is also enclosed with a non-patent literature.

Consideration of this information is respectfully requested.

It is respectfully requested that the Examiner fully consider each item of information, initial the enclosed Form PTO/SB/08a in the appropriate places to indicate that the information has been considered, and return a copy of the initialed form to the undersigned in accordance with MPEP Section 609.

The submission of the listed documents is not intended as an admission that any such documents constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed documents as a competent reference against the claims of the present application.

Respectfully submitted,

Date: 7/14/05

By: 

Bradley C. Wright  
Registration No. 38,061

Banner & Witcoff, LTD  
1001 G Street, N.W.  
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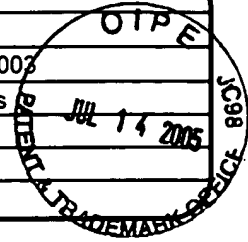
# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

## Complete if Known

Application Number 10/663,378  
Filing Date September 17, 2003  
First Named Inventor Steven A. Rogers  
Group Art Unit 2151  
Examiner Name Unknown  
Attorney Docket Number 006389.00002



## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	1	US2003/0107991 A1	6/2003	Tezuka et al.	
	2	US2004/0024550	2/2004	Doerken et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				

Examiner  
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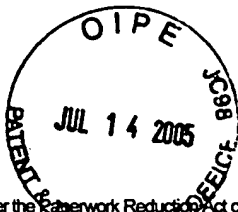
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 2 of 2

**Complete if Known**

Application Number	10/663,378
Filing Date	September 17, 2003
First Named Inventor	Steven A. Rogers
Group Art Unit	2151
Examiner Name	Unknown
Attorney Docket Number	006389.00002

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	3	CLARK, M; JEFFAY, K; Application-level Measurements of Performance on the vBNS Multimedia Computing and Systems, 1999. IEEE International Conference on June 1999, Vol 2, 7-11, pp 362-366 vol.2	

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